

Exhibit 1

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ORACLE AMERICA, INC.

24 UNITED STATES DISTRICT COURT

25 NORTHERN DISTRICT OF CALIFORNIA

26 SAN FRANCISCO DIVISION

27 ORACLE AMERICA, INC.

Case No. 3:10-cv-03561-WHA

28 Plaintiff,

**ORACLE AMERICA, INC.'S
INITIAL DISCLOSURES**

v.

Judge: Honorable William H. Alsup

GOOGLE, INC.

Defendant.

1 Pursuant to Federal Rule of Civil Procedure 26(a)(1), Plaintiff Oracle America, Inc.
 2 (“Oracle”) hereby makes its initial disclosures. Oracle has made a reasonable and good faith
 3 effort to make the initial disclosures provided herein, including providing general descriptions of
 4 documents, and identifying persons who may have knowledge of pertinent information, relating
 5 to the issues in this action. However, Oracle’s investigation of its claims and defenses in this
 6 action is ongoing. Other potential witnesses and/or documents may be identified and become
 7 significant as discovery proceeds and as the case develops, and therefore, Oracle reserves the
 8 right to supplement these disclosures.

9 **I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION
 10 THAT ORACLE MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES
 11 (FED. R. CIV. P. 26(A)(1)(A)).**

12 The persons Oracle believes are likely to have discoverable information that Oracle may
 13 use to support its claims and defenses are:

Name, Address, Telephone	Subject
Greg Bollella Contact through counsel for Oracle	Java development
Roger Calnan Contact through counsel for Oracle	Java development and distribution
Andrew Carr Contact through counsel for Oracle	Java distribution
Safra Catz Contact through counsel for Oracle	Oracle’s business; Oracle’s acquisition of Sun; Java business models, business plans, and associated financial data; license discussions between Oracle and Google
Neal Civjan Contact through counsel for Oracle	Java licensing and sales, including negotiations with Google
Patrick Curran Contact through counsel for Oracle	Java standards, JCP, and open Java
Bill Daly Contact through counsel for Oracle	Oracle financial data
Don Deutsch Contact through counsel for Oracle	Java standards, JCP, and open Java, Java revenues and business
Larry Ellison Contact through counsel for Oracle	History of Oracle; Oracle’s business; Oracle’s acquisition of Sun; Java business models and business plans; license discussions between Oracle and Google
Gustavo Galimberti Contact through counsel for Oracle	Java development, Java licensing, Java distribution and support

	Name, Address, Telephone	Subject
1	Craig Gering Contact through counsel for Oracle	Java development, licensing, and testing
2	Ivgen Guner Contact through counsel for Oracle	Oracle financial data
3	Vineet Gupta Contact through counsel for Oracle	Java sales and licensing, including negotiations with Google
4	Steve Harris Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans
5	Jeannette Hung Contact through counsel for Oracle	Java development
6	Thomas Kurian Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans; license discussions between Oracle and Google
7	Jacob Lehrbaum Contact through counsel for Oracle	Java licensing and copyrights
8	Matthew Mayerson Contact through counsel for Oracle	Software distribution
9	Kerry McGuire Contact through counsel for Oracle	Java business and revenues
10	John Pampuch Contact through counsel for Oracle	Java VM technology
11	Bill Pittore Contact through counsel for Oracle	Java VM development
12	Nandini Ramani Contact through counsel for Oracle	Java Development
13	Mark Reinhold Contact through counsel for Oracle	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
14	Hasan Rizvi Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans; license discussions between Oracle and Google
15	Susan Roach Contact through counsel for Oracle	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
16	Bill Shannon Contact through counsel for Oracle	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
17	Param Singh Contact through counsel for Oracle	Mobile Java development and business plan
18	Guy Steele Contact through counsel for Oracle	Java development
19	Brian Sutphin Contact through counsel for Oracle	Java licensing and business, including negotiations with Google, Java business plans
20	Lars Bak Google employee	Inventor of U.S. Patent No. 6,910,205

	Name, Address, Telephone	Subject
1	Nedim Fresko 121 Lincoln Way San Francisco, CA 94122-2717	Inventor of U.S. Patent Nos. 5,966,702 and 7,426,720
2	Li Gong Mozilla Foundation 650 Castro Street, Suite 300 Mountain View, CA 94041-2072 lgong@mozilla.com	Inventor of U.S. Patent Nos. 6,125,447 and 6,192,476
3	James Gosling 75 Fox Hollow Lane Redwood City, CA 94062-4158	Inventor of U.S. Patent No. RE38,104
4	Robert Griesemer Google employee	Inventor of U.S. Patent No. 6,910,205
5	Richard Tuck 343 Hill Street San Francisco, CA 94114-2916	Inventor of U.S. Patent Nos. 5,966,702 and 6,061,520
6	Frank Yellin Google employee	Inventor of U.S. Patent No. 6,061,520
7	Representatives of Google, including witnesses identified in Google's initial disclosure	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
8	Joshua Bloch Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
9	Dan Bornstein Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
10	Bill Buzbee Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
11	Eric Chu Google employee	Java license negotiations between Google and Sun
12	Gregorz Czajkowski Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
13	Tim Lindholm Google employee	Java license negotiations between Google and Sun
14	Rich Miner Google employee	Java license negotiations between Google and Sun

Name, Address, Telephone	Subject
Larry Page Google employee	Knowledge of Oracle's Java-related intellectual property; Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues; license discussions between Google and Oracle
Andy Rubin Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, revenues, and license negotiations between Google and Oracle
Eric Schmidt Google employee	Java development; knowledge of Oracle's Java-related intellectual property; Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues; license discussions between Google and Oracle
Representatives of manufacturers and distributors of Android devices	Android distribution, revenues, infringement
Alan Brenner RIM/Blackberry employee	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Ethan Beard Facebook employee	Java license negotiations between Google and Sun
Rich Green Nokia employee	Java development, distribution, licensing, business models, business plans, patent rights and copyrights

II. DOCUMENTS (FED. R. CIV. P. 26(A)(1)(B)).

Oracle discloses and describes by category the following documents, electronically-stored information, data compilations and tangible things that are or may be in the possession, custody or control of Oracle that Oracle currently and reasonably believes it may use to support its claims or defenses:

1. U.S. Patent No. 6,125,447 and related files.
2. U.S. Patent No. 6,192,476 and related files.
3. U.S. Patent No. 5,966,702 and related files.
4. U.S. Patent No. 7,426,720 and related files.
5. U.S. Patent No. RE38,104 and related files.

- 1 6. U.S. Patent No. 6,910,205 and related files.
- 2 7. U.S. Patent No. 6,061,520 and related files.
- 3 8. U.S. Certificate of Copyright Registration for J2SE 1.4, the copyrighted
4 work, and related files.
- 5 9. U.S. Certificate of Copyright Registration for J2SE 5.0, the copyrighted
6 work, and related files.
- 7 10. U.S. Certificate of Supplemental Copyright Registration for J2SE 5.0 and
8 related files.
- 9 11. Documents evidencing the conception, development, reduction to practice,
10 and design of the inventions claimed by the patents at issue.
- 11 12. Documents relating to the history and development of the Java platform.
- 12 13. Java releases and related documentation.
- 13 14. Documents evidencing sales, distribution, deployment, and use of Java
14 products.
- 15 15. Java-related contracts, licenses, and pricing models.
- 16 16. Sun and Oracle Java business plans and financial results.
- 17 17. Documents evidencing Google's knowledge of the Sun patent portfolio,
18 including documents relating to licensing of the Java IP rights by Google
19 and Google's participation in the Java Community Process.
- 20 18. Android releases and related documentation.
- 21 19. Google marketing, advertising, and press releases, and statements
22 regarding Android, Android devices, Android distribution and deployment,
23 and revenues attributable to Android.
- 24 20. Public and third-party reports, releases, and statements regarding the
25 distribution and deployment of Android devices, and the impact of Android
26 and Android devices on the use, distribution, and deployment of the Java
27 platform and Java devices.
- 28

1 21. Documents relating to each type and category of damages described in
 2 Section III below, including license fees, revenue from and profitability of
 3 Java and related Oracle businesses, and Oracle's and Google's business
 4 models for the relevant lines of business.

5 The above documents are maintained primarily at one or more Oracle locations in
 6 California (Santa Clara, Redwood Shores, and Menlo Park) and Broomfield, Colorado, depending
 7 on the location of the various individuals identified above.

8 **III. INITIAL DISCLOSURES REGARDING COMPUTATION OF DAMAGES
 9 (FED. R. CIV. P. 26(A)(1)(C)).**

10 Oracle has not completed its calculation for monetary damages as it will require expert
 11 evaluation of information in Google's possession. When available, documents and information
 12 will be provided in conformity with Fed. R. Civ. P. 26(a)(2) and/or any relevant Orders entered
 13 by the Court.

14 Based on information currently available to Oracle, Oracle seeks compensation for all
 15 damages caused by Google's infringing activities, including recovery of profits Oracle would
 16 have made without the infringement, disgorgement of profits made by Google that are attributable
 17 to the infringement, and/or award of the fair market value of a license for the rights infringed.
 18 Such compensation may include at least (1) harm to the profits of Oracle's Java business caused
 19 by Google's infringing activities, including lost license fees; (2) harm to Oracle's business model
 20 and strategy relating to Java and the importance of minimizing "forks" in Java; (3) harm to
 21 Oracle's reputation and goodwill; (4) harm to Oracle profits from the sales or licenses of other
 22 software or hardware products reasonably related to or stemming from Oracle's Java business; (5)
 23 the amount a willing buyer would have been reasonably required to pay a willing seller in a
 24 hypothetical negotiation for a license to the infringed intellectual property at the time of the
 25 infringement; and/or (6) all Google profits directly or indirectly attributable to the infringement,
 26 including profits from advertising, search and other revenue through use of the Android platform
 27 on mobile devices. Because Google's infringement has been willful and intentional, Oracle is
 28 entitled to recover treble damages, pursuant to 35 U.S.C. § 284.

1 Oracle is entitled to actual damages for Google's use of Oracle's copyrighted works,
 2 together with Google's profits attributable to the infringement, computed by subtracting from
 3 Google's gross revenue any deductions established by Google for deductible expenses or the
 4 elements of profit attributable to factors other than the infringed work. 17 U.S.C. § 504(b).
 5 Regarding Google's revenue from its Android business, Google's CEO Eric Schmidt has said
 6 "Trust me that revenue is large enough to pay for all of the Android activities and a whole bunch
 7 more." Google will disclose information regarding its revenues and expenses attributable to
 8 Android during discovery. At a minimum, Oracle is entitled to statutory damages, pursuant to 17
 9 U.S.C. § 504(c).

10 In addition, Oracle is entitled to recover the costs of suit, prejudgment interest, and
 11 attorney's fees under 35 U.S.C. § 285. These costs, expenses and further relief cannot be
 12 computed until the conclusion of this suit.

13 **IV. INITIAL DISCLOSURES REGARDING INSURANCE
 14 (FED. R. CIV. P. 26(A)(1)(D)).**

15 Oracle is unaware of any insurance agreement under which an insurance business may be
 16 liable to satisfy all or part of a judgment in this action or to indemnify or reimburse for payments
 17 made to satisfy any judgment.

18 Dated: December 2, 2010

MICHAEL A. JACOBS
 MARC DAVID PETERS
 MORRISON & FOERSTER LLP

20 By: /s/ Marc David Peters

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 22 *Attorneys for Plaintiff*
 ORACLE AMERICA, INC.

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CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 755 Page Mill Road, Palo Alto, California 94304-1018. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on December 2, 2010, I served a copy of:

ORACLE AMERICA, INC.'S INITIAL DISCLOSURES

BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)] by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

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1 I declare under penalty of perjury that the foregoing is true and correct.
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5 Executed at Palo Alto, California, this 2nd day of December, 2010.
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Richard S. Ballinger

(typed)

/s/ Richard S. Ballinger

(signature)